



Attorney Docket: 209716373

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: JEAN GOSSELIN ET AL.
Serial No.: 09/631,637 Group Art Unit: 1648
Filed: AUGUST 2, 2000 Examiner: Ulrike Winkler
Title: METHOD TO TREAT INFECTIOUS DISEASES, AND/OR TO
ENHANCE ANTIMICROBIAL EFFICACY OF DRUGS

REPLY TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in reply to the Office Action mailed November 27, 2001 in the above-captioned application.

Responsive to the requirement for restrictions, Applicants hereby provisionally elect the claims of Group I, namely Claims 1-16. Insofar as the Office Action attempts to restrict dependent Claims 17-21 away from their parent Claim 1, it is respectfully traversed. The attempted restriction is clearly **not** justified because these claims, by virtue of their dependency from Claim 1, fall entirely within the scope of Claim 1. Accordingly, reconsideration and withdrawal of the attempted restriction of Claims 17-21 away from Claims 1-16 are respectfully requested.

Corresponding objections also apply to the attempted restriction of Claim 28 away from parent Claim 22 and the attempted restriction of dependent

Claims 53-56 away from parent Claim 36. However, the issue is considered moot because Claims 22 and 36 are not elected.

The requirement to elect a virus class is treated as a requirement for election of species. Responsive hereto, Applicants hereby elect the species iii, namely retrovirus. Claims 1-21 are deemed to read on the elected species.

Responsive to the requirement for election of species among various mammalian species, Applicants hereby elect Species 1), namely human. Claims 1-21 are deemed to read on the elected species.

Responsive to the requirement for election of species among various modes of administration, Applicants hereby elect Species 6), namely oral administration. Claims 1-10 and 14-21 are deemed to read on the elected species.

Responsive to the requirement for election of species among various pharmaceutical forms, Applicants hereby elect the Species 7), namely tablets. Claims 1-10 and 16-21 are deemed to read on the elected species.

Anticipating rejoinder of Claims 17-19 with parent Claim 1, Applicants hereby respond to the requirement for election of species among various antiviral agents by electing Species 1)a, namely AZT. Claims 1-21 are deemed to read upon the elected species.

Also anticipating proper rejoinder of dependent Claims 20 and 21, Applicants hereby respond to the requirement for election of species among various immunomodulators, by electing Species 1), namely leukotrienes. Claims 1-21 are deemed to read on the elected species.

The provisions of 37 C.F.R. § 1.141 are duly noted.

Favorable action on the application is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #2097/49123).

Respectfully submitted,

December 27, 2001

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